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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/830,388 | 08/10/2001 | David Collier | COL001 | 7101 |

7590 02/20/2003

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| EXAMINER |
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SINGH, SUNIL

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| ART UNIT | PAPER NUMBER |
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3673

DATE MAILED: 02/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,388

Applicant(s)

Collier et al.

Examiner

Sunil Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above, claim(s) 17-36 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-38 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Aug 10, 2001 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claims 17-36 and 38 are withdrawn from further consideration pursuant to 37 CFR

1.142(b) as being drawn to a nonelected Groups II and III, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 10.

The examiner notes applicant's comment regarding the restriction between Groups II and Group III. However, the restriction between Group II and Group III in paper no. 8 is proper. Group III does not require the method step of "jacking up the deck". Therefore, simply adding a **dependent claim** that includes the jacking up step does not overcome the restriction requirement.

In response to this office action applicant should cancel all non-elected claims.

The preliminary amendment filed 8/10/01 has been entered.

Specification

1. The disclosure is objected to because of the following informalities: at page 5 line 30, "attaching two guides" is recited; however it is not clear if the "attaching two guides" recited at line 30 are the same "two guides" recited at page 5 line 27 or actually two **more** guides. At page 11 line 20, reference character "22" should be --20--.

Appropriate correction is required.

Drawings

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2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: at page 8 line 25, "A" is not shown in Figure 5 as stated on page 8 line 25; page 10 line 25, reference character "17" is not shown; page 14 line 21, reference character "63" is not shown. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 line 4, "a said leg chord" is confusing.

Claim 9 line 3, "the let chord" is confusing.

Claim 13 lines 2-3, "the inboard end" and "the outboard end" is confusing because it is not clear what structure applicant is considering to have an inboard end and outboard end.

Claim 14 line 2, "a coupling plate" is recited; however, claim 9 calls for a coupling plate it is unclear how they are related.

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Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 16 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Dysarz (US 4388024).

Dysarz discloses an offshore structure (11) comprising a base (19), a deck (13), a plurality of lattice legs (15-17), the legs are arranged outboard of the deck (see Fig. 2A) and a connection (see col. 5 line 22) is provided between the inwardly facing face of each of said leg and the deck. The leg comprises chords that are circular in cross-section (see Fig. 14). The legs are triangular (see Fig. 1).

7. Claims 1-4, 16 and 37 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Blenkarn (US 3392534).

8. Claims 1-4, 16 and 37 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Estes (US 3385069).

Claim Rejections - 35 USC § 103

9. Claims 5, 9, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dysarz in view of Structural Steel Design (pages 207,237).

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Dysarz discloses the invention substantially as claimed. However Dysarz is silent about his connection comprising a shear plate with top and bottom coupling plates. Structural Steel Design (pages 207 and 237) teaches that it is well known in connecting two structures there are numerous modes of failure, namely shear, bending and axial; therefore it is known to design a connection with a shear plate with a top and bottom coupling plates (see pages 207 and 237) to prevent the above mention modes of failure. It would have been considered obvious to one of ordinary skill in the art to modify Dysarz to include the connecting means as taught Structural Steel Design in order to prevent the structure from failing at the connection point between the legs and the deck.

Allowable Subject Matter

10. Claims 6-8, 10-13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (703) 308-4024. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) -2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

Sunil Singh



Patent Examiner

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2/12/03